

*Wildlands Trust*

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# Whistle

# blower

## Warning issued about growth

By Grey Perry  
MPG Newspapers

Think of him as a modern-day Paul Revere, using a wooden train whistle instead of a lantern to get his message across.

The trains are coming. The trains are coming.

"This is the moment for the South Shore to plan for its future, or lose its character," says Mark Primack, executive director of the Wildlands Trust of Southeastern Massachusetts, which has its headquarters in Duxbury. "It's a small window of opportunity, probably not more than two years, tops. What isn't done now will be forever regretted."

Primack, like others, is predicting a spike in development when the Old Colony rail and other local transportation projects are

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## Land

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"Don't people know the train is coming, and what it will mean to communities on the South Shore?" Primack asks. "And it's not only the Old Colony Railroad coming to Kingston, New Bedford and Scituate. Route 3 is going to be widened, as is Route 24. Route 44 is scheduled to be double-barreled all the way to Providence. There may even be high-speed commuter boats operating south of Scituate soon. The Southeast Expressway has been a valve on traffic going to Boston, creating one of the worst driving commutes, if not the worst commute in the country. That valve is about to be opened. The rural and coastal lifestyle of southeastern Massachusetts will be available to anyone who wants to drive 15-20 minutes to the station, and take the train into Boston."

Aside from a few affluent coastal communities which have professionals on their conservation commissions and town planning departments, Primack says most communities are not prepared for the economic development pressure that is coming. In addition to the strains that development will place on community traffic patterns, also affected will be water supplies, sewage, open space and recreation lands, not to mention the character of individual towns. All of these things are at stake because of \$2 billion the state is spending on transportation projects, creating imminent changes.

Primack says the area is about to become suburbanized.

Primack points to Brockton as a classic example of the lack of planning for water supply and sufficient sewerage. "They wound up with a 10-year moratorium on any development," he says. Plymouth faces similar constraints now because of limited sewerage capacity. Kingston faces terrible traffic problems now and the commuter rail station hasn't even opened yet.

Primack points to communities northwest of Boston on Route 495. He says that highway has changed in the character of towns such as Acton, Littleton, Westford and Chelmsford. They were all off the beaten path until the interstate came through. All have horrendous traffic problems now, and have lost or are losing the rural character of their towns.

### Region at risk

Primack acknowledges that sounding this alarm to local communities is beyond the traditional role of a land trust. But he says there is a vacuum of leadership from environmental groups and no one else is doing what he and his directors say needs doing.

"We don't want to be leaders in this activity, but we are here by default. We saw a need and we filled it," he says. "We can preserve open spaces in some areas, but we can't save the character of individual towns. They must define that themselves, and decide how to go about preserving that themselves."

He stresses his group is not anti-development. Rather, they support a balanced approach of economic development and open space. "These objectives are not mutually exclusive," Primack says. He would like to see each town decide its own fate, rather than react after the fact to the pressures he sees coming. Towns must decide where they want economic development to be, where the jobs should be, where the housing should be and where their recreational lands should be, he says. Change is inevitable, and must be planned for.

Part of his time, and that of a planner in his organization, is spent giving technical assistance to towns who are preparing open space and recreation plans. Primack says statewide, only 28 percent of all towns have filed open space and recreation plans. In Plymouth County, only 14 percent of towns have approved plans. The state Office of Environmental Affairs oversees a \$50 million conservation fund from which towns can get up to \$500,000 per year in grants to buy open space and recreational land. (The only town in the area to take advantage of this money, so far, is Kingston, which recently purchased 77 acres.) But communities must have approved open space plans on file with the environmental affairs office's Division of Conservation Services. They must also demonstrate compliance with other laws, such as the Americans with Disabilities Act and the Equal Opportunity Act, to qualify for grants. Such open space plans typically focus on providing what the local townspeople want for natural resource protection and recreational needs, and define a five-year plan to carry

out those objectives. Towns are supposed to have such plans and update them every five years.

Primack wants southeastern Massachusetts towns to get their share of these grants. He and his land trust are doing what they can do to help, working with three regional planning agencies that cover southeastern Massachusetts to find a way to increase planning assistance to the respective municipalities. Those agencies are the Old Colony Planning Council in Brockton, the Southeastern Regional Planning and Economic Development District in Taunton and the Metropolitan Area Planning Council in Boston. He is working with executive directors of these organizations to get them to request funds for growth-management planning and technical assistance for towns in Plymouth and Bristol counties.

Pat Loring, chairman of the Duxbury Open Space and Recreation Committee, says the towns welcome the assistance. "Without professional help, small towns are going to be swallowed up by the residential and commercial developers," she says. Her committee's open space plan has just been approved by the state, and Duxbury will be applying for self-help grants soon to add to their approximately 1,800 acres of open space and recreational land.

Raising the alarm and assisting towns in developing an open space plan is part of what the Wildlands Trust does. They own over 2,200 acres themselves, but they don't have to own land to protect it. They have become experts in advising landowners how to get attractive tax advantages and preserve their property for the future. One of these mechanisms is a powerful tool known as the conservation restriction.

### Conservation restrictions

Landowners who have to part with their land fall into a wide spectrum, Primack says. Some sell for pure financial advantage and are trying to reduce the effects of taxes by giving land to a land trust. Others, whose land has been in the family for a long time, want to see it remain undeveloped forever and may not be looking for any financial or tax advantage. Most land donors fall somewhere in between, he said, and for them, a conservation restriction is the best solution.



# Wildlands Trust



**And they're off** — A group sets off for a Plymouth County Wildlands Trust walk in North Marshfield last month.



**Sign up** — Executive director Mark Primack nails a Wildlands Trust of Southeastern Massachusetts sign to a tree, marking the Wills Preserve in North Marshfield. With the advent of commuter rail, "this is the moment for the South Shore to plan for its future, or lose its character," Primack warns.



**Making his point** — Former Plymouth County Wildlands Trust president Reed Stewart talks about land in North Marshfield donated for preservation by Dr. Arthur Wills.



Primack said more than 27,000 acres in the state have been voluntarily protected by landowners through conservation restrictions. The restriction is a legally binding agreement between a landowner and an organization (such as a land trust), where the landowner agrees to restrict some of the use of the property. Usually, that means a restriction on further development or subdivision. Conservation restrictions are permanent and travel with the deed as the land is sold or left to heirs. That is, the land remains private and can be bought and sold, but not developed.

Conservation restrictions can be written to allow for farming and pasture lands, trails, forestry, even cranberry bogs. On larger properties, restrictions may be written to allow for a few future homesites, located so as to minimize the effect on the environmental value of the land.

Conservation restrictions create tax advantages because they lower the value of the property on which they are written. That reduces property tax, creates an income tax deduction (sacrificing property value can be considered a charitable gift) and reduces estate tax.

A restriction on property does not mean the land becomes public, unless the owner wants that. Also, conservation restrictions are required by state law to be honored as long as conservation value, such as scenery, wildlife or water quality protection, can be demonstrated. The conservation restriction is an effective and low-cost solution to open space protection in the region.

Recently, the Wildlands Trust had a slightly different assignment. A cash donor from Marshfield approached, asking them to find land suitable for preservation. Primack found two adjoining properties in Pembroke that fit into that town's existing conservation areas well. The 116 acres from the Fleetwood Farm and Willow Brook Farm were headed for development, with 48 houses proposed for the sites a year ago. But with the help of the trust and the \$1 million donation from the Marshfield couple, the land has been preserved.

### River at risk

The Wildlands Trust protects land in Plymouth, Norfolk, Bristol and Barnstable counties. One of the projects it has focused on is the Taunton River, its tributaries and the entire Taunton River watershed. Primack says this is the second-largest watershed in the state. With 40 miles of no dams or rapids, it is a classic unexpected wilderness just a short distance from Boston and Providence. Primack stresses it is not an industrial wasteland — he says one can paddle a canoe for five hours and see only three houses. Most of the river is bordered by undeveloped farmland, less than 150 acres of which is protected. As farmers stop farming and are inclined to sell, Primack has no objection to some of the front parts of this land being developed, but he wants to see the backlands, which border the river, remain as large stretches of greenway. His group is identifying all owners and advising them of their options if they elect to sell their land so that much of this riverine ecosystem may be protected for future generations to enjoy.

Another program undertaken by the trust is their Coastal Plain Ponds program. Certain ponds in Plymouth County have been designated by the state endangered species program as coastal plains ponds. Typically, these ponds have no inlet or outlet, and have no streams to feed them. They rely on the groundwater from rain, and therefore their water levels fluctuate through the seasons. The edges of these ponds resemble the barren soils of gravel pits. Such conditions are tough on plants, and most can't survive on the edges of these ponds. Those plants and few animals that can survive in these specialized habitats are rare and endangered.

Threats from the use of herbicides, trampling by people or four-wheel-drive vehicles, and excessive development around these ponds is further endangering the fragile life found there, thus they have become a target for preservation by the Wildlands Trust.

The Wildlands Trust of Southeastern Massachusetts is headquartered in Duxbury. It may be reached by calling (617) 934-9018.